

Remarks

I. Introduction

This is in response to the Office Action dated June 9, 2009.

The Office Action rejected claims 1-9, 11, 12, 14-22, and 26-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,649,001 to Thomas et al. ("Thomas") in view of U.S. Patent Application Publication No. 2001/0037491 to Boggs et al. ("Boggs"), further in view of U.S. Patent No. 6,307,880 to Evans et al. ("Evans").

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of Cisco Systems, Token Ring/IEEE 802.5, February 20, 2002, Cisco Systems, Inc. ("Cisco Systems").

Claims 13 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Patent No. 6,978,319 to Rostoker et al. ("Rostoker").

Claims 23-25 and 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Publication No. 2003/0167391 to Al-Ali ("Al-Ali").

In response, Applicants present the remarks below. Claims 1-32 remain for consideration.

II. Rejections under 35 U.S.C. §103

Independent claims 1, 2, 9, 14 and 26 were rejected under 35 U.S.C. §103 as being unpatentable over Thomas in view of Boggs, further in view of Evans. In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be

considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. None of the cited references, either alone or in combination, teach all of the claim limitations of independent claims 1, 2, 9, 14, and 26. Therefore, Applicants request the withdrawal of the rejection of independent claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a).

The subject area of the present invention relates generally to a device, system, and method for the automatic configuration of a network communication device. In one embodiment a programmable cable is adapted to configure a network communications device. The programmable cable has one end connectable to a PLC and another end connectable to the network communications device.

Figure 1 of the present application depicts a block diagram of an exemplary embodiment of system 1000 which is described in the specification in paragraphs 5 and 6. System 1000 can comprise a programmable cable 1100 having a first end 1101 couplable to network 1200 and a second end 1102 connectable to network communications device 1300. Network 1200 is couplable to computer 1400, such as a programmable logic controller (PLC) via network connection cable 1450.

A PIN number associated with a network communications device, such as a remote modem, is stored in the programmable cable. As explained in paragraph 3 of the present application, a power failure can cause a remote modem to restart which may subsequently require a password or other security code to be entered before the remote modem can be utilized. Paragraph 16 of the present application describes an embodiment of the present invention in which a PIN number is supplied by programmable cable 1100 to network communications device 1300 to allow operation of the network communications device 1300.

This aspect of storing a PIN number associated with a communications device in the programmable cable and supplying the PIN to the communications device in order to enable the network communication device is claimed in independent claim 2 which includes the limitation of "said programmable cable adapted to automatically configure the network communications device by communicating the at least one of the plurality of configuration parameters and a PIN number associated with the network communications device to the network communications device to enable the network communications device to function."

The Office Action admits that "[t]he combination of Thomas and Boggs does not teach a PIN number associated with enabling the cellular telephone modem [network communications device]." The Office Action indicates that this limitation is disclosed by Evans stating "Evans teaches a PIN number utilized in the identification of a cellular device [network communications device] that allows for enabling the device to function therein (92, figure 3). However, for reasons discussed below, Evans does not disclose the limitation missing from Thomas and Boggs.

Evans is directed to a method and apparatus for automatically switching between voice and data communications as directed by a voice and data capable modem via a cable assembly incorporating a switching means for facilitating and inhibiting the routing of voice information to a voice telephone. A voice and data capable modem incorporates the software functionality associated with a voice and data capable protocol with minimal impact to the form factor associated with the modem. To reduce the impact to the form factor associated with integrated modem designs, the switching hardware associated with voice and data capability is incorporated into a cable assembly used to interconnect the voice and data capable modem with the voice telephone. Additional means for identifying the cable assembly as having the requisite switching functionality is also provided.

In one embodiment of Evans, the means for identifying the cable assembly is cable identifier 92. Column 9, lines 13 – 17 state that “in FIG. 3 the cable identifier means is depicted as cable identifier 92... cable identifier 92 comprises a non volatile memory device, such as a read only memory (ROM) capable of being queried by the modem.”

Evans does not disclose the limitation missing from Thomas and Boggs. Cable ID 92 of Evans is associated with Evans cable 66 and not with Voiceview capable modem 60. Further, although Evans column 9, lines 4-7 state that the “cable identification means [is] accessible by the modem for determining the precise nature of the peripheral device interfaced by the telephone interface means,” the cable ID is, at best, a configuration parameter as it indicates to modem 60 what type of communication device cable 66 is configured to work with. Thus, cable ID 92 of Evans is not a “PIN number associated with the network communications device to the network communications device to enable the network communications device to function” as recited in independent claim 2. As such, Thomas, Boggs, and Evans, separately or in combination, fail to disclose each and every limitation of independent claim 2. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. §103(a).

Independent claims 1, 9, 14, and 26 each contain limitations similar to the limitation discussed above in connection with independent claim 2. Therefore, the cited references, either alone or in combination, do not disclose each and every limitation of independent claims 1, 9, 14, and 26 for the same reasons discussed above in connection with independent claim 2. As such, the cited references cannot render independent claims 1, 2, 9, 14, and 26 unpatentable under 35 U.S.C. §103(a). Accordingly, Applicants respectfully request withdrawal of the rejections of independent claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a).

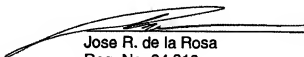
For the reasons discussed above, independent claims 1, 2, 9, 14, and 26 are allowable over the cited art. All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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